UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

| FRANK E. ADAMS |] | |
|-------------------------|---|---------------|
| Petitioner, |] | |
| |] | |
| V. |] | No. 3:99-0519 |
| |] | Judge Trauger |
| DEBORAH JOHNSON, WARDEN |] | |
| Respondent. |] | |

ORDER

On February 10, 2014, an order (Docket Entry No. 91) was entered denying the petitioner's Rule 60(b)(6) motion (Docket Entry No. 69).

Presently before the Court are petitioner's *pro se* Motion to Reconsider and Hold in Abeyance (Docket Entry No. 95) and a "premature" Notice of Appeal (Docket Entry No. 94).

The Court has carefully reviewed the petitioner's Motion to Reconsider and Hold in Abeyance and finds that it has no merit. Said Motion, therefore, is DENIED.

When a Notice of Appeal is filed in a § 2254 habeas corpus action, the district court is obliged to determine the petitioner's liability for the appellate filing fee and to ascertain whether it would be appropriate to grant the petitioner a certificate of appealability.

In an earlier order (Docket Entry No. 57), it was determined that a certificate of appealability should not issue in this matter. <u>Castro v. United States</u>, 310 F.3d 900, 901-902 (6th Cir. 2002). However, the petitioner has yet to either pay the fee required for the filing of his appeal or submit an application to proceed on appeal in forma pauperis.

Accordingly, the petitioner is hereby GRANTED thirty (30) days from the date of entry of

this order on the docket in which to submit to the Clerk of this Court either the full appellate filing fee of five hundred five dollars (\$505) or an application to proceed on appeal in forma pauperis.

The Clerk is directed to forward a copy of this order to the Clerk of the Court of Appeals.

It is so ORDERED.

Aleta A. Trauger

United States District Judge